

Friedman & James LLP  
Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)  
Attorneys for plaintiffs  
132 Nassau Street, Suite 900  
New York, NY 10038  
(212) 233-9385 (telephone)  
(212) 619-2340 (telefax)

-----X  
MICHAEL TOSCANO and DONNA TOSCANO,

07 Civ. 7855 (JFK) (BF)

Plaintiffs,

-against-

**MOTION TO ADMIT  
COUNSEL  
PRO HAC VICE-  
Malorie G. Leman**

LINCOLN ELECTRIC COMPANY; HOBART  
BROTHERS COMPANY; ILLINOIS TOOL  
WORKS, INC.; THE ESAB GROUP, INC.;  
SELECT ARC, INC.; BOC GROUP, INC. f/k/a  
AIRCO, INC.; J.B. ALLOY CORPORATION  
a/k/a UNIBRAZE CORPORATION; PRAXAIR,  
INC.; TDY INDUSTRIES, INC.; TECHALLOY  
COMPANY, INC.; CBS CORPORATION, a  
Delaware corporation, f/k/a VIACOM, INC.,  
successor by merger to CBS CORPORATION,  
a Pennsylvania corporation, f/k/a WESTINGHOUSE  
ELECTRIC CORPORATION; UNION CARBIDE  
CORPORATION; EUTECTIC CORPORATION;  
A.O. SMITH CORPORATION; SANDVIK, INC.;  
DELORO STELLITE COMPANY, INC.; ARCOS  
INDUSTRIES, L.L.C.; MILLER ELECTRIC  
MANUFACTURING CO., INC.; THE CITY OF  
NEW YORK; and JOHN DOES DEFENDANTS A-Z,

Defendants.  
-----X

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2007 NOV -2 PM 10:51  
S.D. OF N.Y.

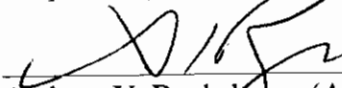
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts  
for the Southern District of New York, I, Andrew V. Buchsbaum, a member in good standing of the  
bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: MALORIE G. LEMAN  
Firm Name: Williams Kherkher Hart Boundas, LLP  
Address: 8441 Gulf Freeway, Suite 600  
City/State/Zip: Houston, TX 77017-5051  
Phone Number: (713) 230-2200  
Fax Number: (713) 643-6226

MALORIE G. LEMAN is a member in good standing of the Bar of the State of Texas. There are no pending disciplinary proceedings against MALORIE G. LEMAN in any State or Federal court.

Dated: New York, New York  
October 30, 2007

Respectfully submitted,

  
Andrew V. Buchsbaum (AB-6475)  
Friedman & James LLP  
132 Nassau Street, Suite 900  
New York, NY 10038  
Telephone: (212) 233-9385  
Telefax: (212) 619-2340

TO: DARGER & ERRANTE, LLP  
116 E. 27<sup>th</sup> St., 12<sup>th</sup> Floor  
New York, NY 10016  
Attn: Vincent A. Errante, Esq.  
Telephone: (212) 452-5300  
Attorneys for Defendants The Lincoln Electric  
Company, Hobart Brothers Company,  
The ESAB Group, Inc., The BOC Group,  
Inc., Praxair, Inc., TDY Industries, Inc.,  
CBS Corporation, Union Carbide Corporation,  
Eutectic Corporation, A.O. Smith  
Corporation and Sandvik, Inc.

LYNCH DASKAL EMERY LLP  
264 West 40<sup>th</sup> Street  
New York, NY 10018  
Attn: James R. Lynch, Esq.  
Telephone: (212) 302-2400  
Attorneys for Defendants Illinois Tool Works Inc. and  
Miller Electric Manufacturing Co.

BROTHERS & THOMPSON, P.C.  
100 West Monroe St., Suite 1700  
Chicago, IL 60603  
Attn: Ronald Austin, Jr., Esq.  
Telephone: (312) 372-2909  
Attorneys for Defendants Illinois Tool Works Inc. and  
Miller Electric Manufacturing Co.

SEGAL, McCAMBRIDGE, SINGER & MAHONEY, Ltd.  
830 Third Avenue  
New York, NY 10022  
Telephone: (212) 651-7500  
Attorneys for Defendant Arcos Industries, L.L.C.

MICHAEL A. CARDOZO  
Corporation Counsel, City of New York  
100 Church Street  
New York, NY 10007  
Attn: Raafat S. Toss, Esq.  
Telephone: (212) 788-0596  
Attorneys for Defendant City of New York

Friedman & James LLP  
Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)  
Attorneys for plaintiffs  
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MICHAEL TOSCANO and DONNA TOSCANO,

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-against-

LINCOLN ELECTRIC COMPANY; HOBART  
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MANUFACTURING CO., INC.; THE CITY OF  
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Defendants.  
-----X

07 Civ. 7855 (JFK) (BF)

**DECLARATION IN  
SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE—  
Malorie G. Leman**

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF NEW YORK    )

ANDREW V. BUCHSBAUM hereby declares as follows pursuant to 28 U.S.C. §

1746:

1. I am a member of the firm of Friedman & James LLP, attorneys for plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of plaintiff's motion to admit MALORIE G. LEMAN as counsel *pro hac vice* to represent plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in New York on January 28, 1986. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known MALORIE G. LEMAN since 2007.

4. MALORIE G. LEMAN is an attorney with the law firm of Williams Kherkher Hart Boundas, LLP in Houston, Texas.

5. I have found MS. LEMAN to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

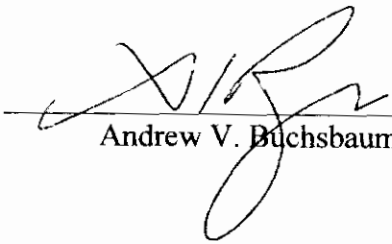
6. Accordingly, I am pleased to move the admission of MS. LEMAN, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of MALORIE G. LEMAN *pro hac vice*, which is attached hereto as Exhibit A.

**WHEREFORE.** it is respectfully requested that the motion to admit MALORIE G. LEMAN. *pro hac vice*, to represent plaintiffs in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2007



Andrew V. Buchsbaum (AB-6475)

# The Supreme Court of Texas

AUSTIN

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CLERK'S OFFICE

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I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

**MALORIE GIST LEMAN**

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 6th day of November, 2002.

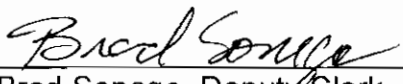
I further certify that the records of this office show that, as of this date

**MALORIE GIST LEMAN**

is presently enrolled with the State Bar of Texas as an active member in good standing.

**IN TESTIMONY WHEREOF** witness my hand  
and the seal of the Supreme Court of  
Texas at the City of Austin, this 25th day  
of October, 2007.

BLAKE HAWTHORNE, Clerk

by   
Brad Sonego, Deputy Clerk

No. 4787

### Declaration of Service

[illegible]

ANDREW V. BUCHSBAUM hereby declares as follows pursuant to 28 U.S.C. § 1746:

I am a member of Friedman & James LLP, attorneys for plaintiffs. On October 30, 2007, I caused to be served by first class mail true and complete copies of Motion for Admission *pro hac vice* of MALORIE G. LEMAN, Esq. and proposed order upon the following:

**DARGER & ERRANTE, LLP**  
116 E. 27<sup>th</sup> St., 12<sup>th</sup> Floor  
New York, NY 10016  
Attn: Vincent A. Errante, Esq.  
Attorneys for Defendants The Lincoln Electric  
Company, Hobart Brothers Company,  
The ESAB Group, Inc., The BOC Group,  
Inc., Praxair, Inc., TDY Industries, Inc.,  
CBS Corporation, Union Carbide Corporation,  
Eutectic Corporation, A.O. Smith  
Corporation and Sandvik, Inc.

LYNCH DASKAL EMERY LLP  
264 West 40<sup>th</sup> Street  
New York, NY 10018  
Attn: James R. Lynch, Esq.  
Attorneys for Defendants Illinois Tool Works Inc. and  
Miller Electric Manufacturing Co.

**BROTHERS & THOMPSON, P.C.**  
100 West Monroe St., Suite 1700  
Chicago, IL 60603  
Attn: Ronald Austin, Jr., Esq.  
Attorneys for Defendants Illinois Tool Works Inc. and  
Miller Electric Manufacturing Co.

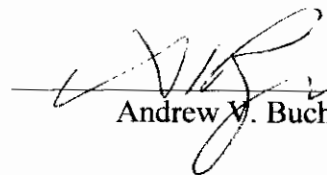
SEGAL, McCAMBRIDGE, SINGER & MAHONEY, Ltd.  
830 Third Avenue  
New York, NY 10022  
Attorneys for Defendant Arcos Industries, L.L.C.



MICHAEL A. CARDOZO  
Corporation Counsel, City of New York  
100 Church Street  
New York, NY 10007  
Attn: Raafat S. Toss, Esq.  
Attorneys for Defendant City of New York

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2007

  
\_\_\_\_\_  
Andrew M. Buchsbaum

Friedman & James LLP  
 Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)  
 Attorneys for plaintiffs  
 132 Nassau Street, Suite 900  
 New York, NY 10038  
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 MICHAEL TOSCANO and DONNA TOSCANO,

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 Delaware corporation, f/k/a VIACOM, INC.,  
 successor by merger to CBS CORPORATION,  
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 A.O. SMITH CORPORATION; SANDVIK, INC.;  
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 MANUFACTURING CO., INC.; THE CITY OF  
 NEW YORK; and JOHN DOES DEFENDANTS A-Z,

Defendants.  
 -----X

07 Civ. 7855 (JFK) (BF)

**ORDER FOR ADMISSION  
 PRO HAC VICE  
 ON WRITTEN MOTION—  
Malorie G. Leman**

Upon the motion of Andrew V. Buchsbaum, attorney for plaintiffs Michael Toscano and Donna Toscano; and said sponsor attorney's declaration in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: MALORIE G. LEMAN  
 Firm Name: Williams Kherkher Hart Boundas, LLP  
 Address: 8441 Gulf Freeway, Suite 600  
 City/State/Zip: Houston, TX 77017-5051

Phone Number: (713) 230-2200  
Fax Number: (713) 643-6226  
email address: mleman@williamskherkher.com

is admitted to practice *pro hac vice* as counsel for Michael Toscano and Donna Toscano in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York  
November \_\_, 2007

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United States District Judge